

REBECCA BRUCH, ESQ.
Nevada Bar No. 7289
LEMONS, GRUNDY & EISENBERG
6005 Plumas Street, Third Floor
Reno, Nevada 89519
(775) 786-6868; (775)786-9716 (fax)
Email: rb@lge.net
Attorney for Defendant Nye County

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRETT WAGGONER, an Individual

Plaintiff,

V.

NYE COUNTY; CHRIS ARABIA, in his individual and official capacity; LEO BLUNDO, in his individual and official capacity; DOES I-X; ROE CORPORATIONS I-X.

Defendants.

Case No: 2:21-cv-01312-APG-EJY

**STIPULATION AND PROPOSED
ORDER TO EXTEND DEADLINE
FOR DISPOSITIVE MOTIONS
(Fourth Request)**

The parties through their counsel of record, Michael Balaban, Esq., on behalf of Plaintiff Brett Waggoner (“Waggoner”); Brian Hardy, Esq., of Marquis Aurbach Coffing, on behalf of Nye County District Attorney Chris Arabia (“Arabia”) and Nye County Commissioner Leo Blundo (“Blundo”); and Rebecca Bruch, Esq., of Lemons, Grundy & Eisenberg, on behalf of Nye County (“the County”), pursuant to Local Rules LR IA 6-1 and LR 26-4, hereby stipulate to extend the deadline for dispositive motions, subject to the Court’s approval. This is the fourth request for an extension of the deadline for dispositive motions. This requested extension is sought in good faith and not for the purposes of delay.

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2 **MEMORANDUM OF POINTS AND AUTHORITIES**3 **I. LEGAL AUTHORITY**

4 Fed. R. Civ. P. 16(b)4) governs the modification of discovery plans and scheduling
 5 orders. Rule 16 provides that “[a] schedule may be modified only for good cause and with
 6 the judge’s consent.” Fed. R. Civ. P. 16(b)(4). The “good cause” standard focuses primarily
 7 on the movant’s diligence. *Coleman v Quaker Oats Co.*, 232 F.3d 1271, 1294-95 (9th Cir.
 8 2000). Local Rule 26-4 provides that discovery plans and scheduling orders may be
 9 modified for good cause, provided that a motion to extend is made “no later than twenty-
 10 one (21) days before the expiration of the subject deadline.” LR 6-4.

11 On September 15, 2022, the Court granted a stipulation to extend discovery and
 12 dispositive motions. Dispositive motions were extended to December 5, 2022. Counsel
 13 for Nye County has been out of the country for almost two weeks in November. In
 14 addition, Counsel for Nye County has staffing issues which have and continue to cause
 15 delays. Holiday closures also are anticipated to cause delays.

16 Given the above, and based on the calendars of counsel for the parties, they would
 17 stipulate to and request the dispositive motions and pretrial order dates be extended as
 18 follows:

19 **Dispositive Motions:** The parties propose extending the deadline for filing
 20 dispositive motions by 35 days, until **January 10, 2023**. Oppositions would be filed by
 21 **February 10, 2023**. Responses would be filed by **March 3, 2023**.

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Joint Pretrial Order: The parties propose extending the deadline for filing the joint pretrial order to **February 10, 2023**, unless one or more dispositive motions are pending on this date thereby suspending the due date for the joint pretrial order to 30 days after the Court issues its order regarding such motion or motions.

DATED this 14th day of November, 2022.

LAW OFFICES OF MICHAEL P. BALABAN

By: /s/ Michael P. Balaban
MICHAEL P. BALABAN, ESQ.(SBN9370)
10726 Del Rubini Street
Las Vegas, NV 89141
Attorneys for Plaintiff

LEMONS, GRUNDY & EISENBERG

By: /s/ Rebecca Bruch
REBECCA BRUCH, ESQ. (SBN7289)
6005 Plumas St., Third Floor
Reno, Nevada 89519
Attorneys for Defendant Nye County

MARQUIS AURBACH COFFING

By: /s/ Brian R. Hardy
BRIAN R. HARDY, ESQ. (SBN10068)
KATHLEEN A. WILDE, ESQ (SBN12522)
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Defendants Arabia and Blundo

IT IS SO ORDERED; provided, however, no further extensions of time to file dispositive motions will be granted.

DATED this 15th day of November, 2022.

Elyna J. Zouchah
UNITED STATES MAGISTRATE JUDGE